

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel DiRocco	Team: Team # 3	CCRB Case #: 201211328	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/24/2012 7:30 PM	Location of Incident: 1174 Saint Johns Place; en route to and inside the 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 2/24/2014	EO SOL 2/24/2014	
Date/Time CV Reported Fri, 08/24/2012 10:07 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 08/31/2012 11:13 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Darryl Chen	29402	903608	077 PCT
2. SGT Robert Maloney	05057	930640	077 PCT
3. POM William Camacho	24431	933669	077 PCT
4. POM Jason Brunson	17542	944393	077 PCT
5. An officer			077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Edwin Ferreira	29509	932638	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Darryl Chen	Force: In front of 1174 Saint Johns Place in Brooklyn, Officer Darryl Chen used physical force against § 87(2)(b)	
B.POM Darryl Chen	Force: In front of 1174 Saint Johns Place in Brooklyn, Officer Darryl Chen used a chokehold against § 87(2)(b)	
C.POM William Camacho	Force: In front of 1174 Saint Johns Place in Brooklyn, Officer William Camacho pointed his gun at individuals.	
D.POM William Camacho	Force: In front of 1174 Saint Johns Place in Brooklyn, Officer William Camacho used physical force against § 87(2)(b)	
E.POM Jason Brunson	Abuse: In front of 1174 Saint Johns Place in Brooklyn, Officer Jason Brunson searched § 87(2)(b)	
F. An officer	Force: En route the 77th Precinct stationhouse, an officer used a chokehold against § 87(2)(b)	
G. An officer	Force: Inside the 77th Precinct stationhouse, an officer used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.SGT Robert Maloney	Abuse: Inside the 77th Precinct stationhouse, Sergeant Robert Maloney authorized the strip search of § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On August 24, 2012, § 87(2)(b) filed this complaint on behalf of her son, § 87(2)(b) with the Internal Affairs Bureau (IAB) via telephone [enclosed 3A-3B]. § 87(2)(b) did not witness the incident. In addition, on August 25, 2012, Sergeant Robert Maloney, from the 77th Precinct, called the IAB Command Center to report an injured prisoner – § 87(2)(b) [enclosed 3C-3D]. On August 31, 2012, both cases were received by the CCRB, respectively, under IAB log numbers 12-45643 and 12-45782 [enclosed 4A-4C].

On August 24, 2012, at approximately 7:30 p.m., § 87(2)(b) was arrested in front of 1174 Saint Johns Place in Brooklyn. The following allegations resulted:

Allegation A—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer Darryl Chen used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation B—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer Darryl Chen used a chokehold against § 87(2)(b)

§ 87(2)(g)

Allegation C—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer William Camacho pointed his gun at individuals.

Allegation D—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer William Camacho used physical force against § 87(2)(b)

Allegation E—Abuse of Authority: In front of 1174 Saint Johns Place in Brooklyn, Officer Jason Brunson searched § 87(2)(b)

§ 87(2)(g)

Allegation F—Force: En route to the 77th Precinct stationhouse, an officer used a chokehold against § 87(2)(b)

§ 87(2)(g)

Allegation G—Force: Inside the 77th Precinct stationhouse, an officer used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation H—Abuse of Authority: Inside the 77th Precinct stationhouse, Sergeant Robert Maloney authorized the strip search of § 87(2)(b)

§ 87(2)(g)

Results of Investigation

Video Footage

On October 16, 2012, the CCRB located a video of this incident on the § 87(2)(b) website.
§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) The content of the video is summarized below.

At the beginning of the recording, § 87(2)(b) is on the ground, lying on his back. His right wrist is handcuffed. His left wrist is not. Officer Darryl Chen (darker-skinned officer with a mustache) and Officer Edwin Ferreira (lighter-skinned officer, partially balding), both from the 77th Precinct, are on the ground, attempting to restrain him. Officer Ferreira is straddling § 87(2)(b)'s legs and Officer Chen is near his chest. § 87(2)(b)'s arms are barely moving and are immediately beneath Officer Chen. However, he has clearly not submitted his arms for handcuffing. Multiple civilians, none whom are seen on camera, are heard screaming at the officers.

While in the position described above, Officer Chen has the space between his right thumb and index finger cupped around § 87(2)(b)'s lower chin. Officer Chen is applying pressure, as § 87(2)(b) is seemingly attempting to open his mouth and move his head, but is unable to do so. § 87(2)(b) (black woman with necklace and red sneakers), the only civilian who is clearly within the view of the camera, is standing within inches of Officer Chen and Officer Ferreira. She is bending down, waving her arms, and repeatedly yelling at Officer Chen, "Let him go! He can't breathe!"

At the 00:10 minute mark on the recording, Officer Chen slides his right hand down to § 87(2)(b)'s throat, applying pressure for about five seconds, again using the space between his right thumb and index finger. § 87(2)(b) opens his mouth slightly, but is seemingly struggling to fully open his mouth and speak. § 87(2)(b) still next to the officers, continues to yell, "He can't breathe!" and "You got him already!"

At the 00:15 minute mark on the recording, Officer Chen removes his hand from § 87(2)(b)'s throat. § 87(2)(b) instantly opens his mouth fully and begins to yell.

Officer Chen subsequently grabs § 87(2)(b)'s right arm, as Officer Ferreira grabs § 87(2)(b)'s left arm. Officer Chen simultaneously presses his right forearm down on § 87(2)(b)'s upper chest. § 87(2)(b) continues to yell and reaches down, grabbing Officer Chen's right wrist. She releases the grip, but, while still bent down towards Officer Chen, continues to scream. At that point (the 00:23 minute mark on the recording), Officer Chen yells to § 87(2)(b) "Get the fuck back!"

While still holding § 87(2)(b) down, Officer Chen picks up his radio (which is right next to him) and briefly speaks into it. As he is doing so, § 87(2)(b) raises his left arm (which Officer Ferreira is grabbing), places it to his mouth, and bites Officer Ferreira's left hand. § 87(2)(b) then forcefully turns his body to his left, attempting to roll onto his stomach. Officer Chen and Officer Ferreira maintain their grip on § 87(2)(b) roll over with him, and struggle to hold him down, pressing their bodies on top of his.

In the process of this struggle, § 87(2)(b) places her arms on Officer Chen's shoulders and grabs him. Seconds later, at the 00:40 minute mark on the recording, Officer William Camacho (heavy Hispanic officer), also from the 77th Precinct, suddenly appears and uses both hands to push § 87(2)(b) about three feet back and to the ground, making contact with her upper right torso. The camera then moves away from § 87(2)(b) to § 87(2)(b) who immediately stands back up.

At the 00:43 minute mark on the recording, the camera turns back to § 87(2)(b). He is lying face down on the ground. Officer Chen has his entire body pressed on § 87(2)(b)'s back, and Officer Ferreira is on the ground next to § 87(2)(b) seemingly holding onto one of his arms.

Officer Camacho is standing near § 87(2)(b)'s legs. Multiple other civilians appear within the view of the camera, within feet of the three officers and § 87(2)(b). The civilians are yelling at the officers. In reaction, Officer Camacho draws and points his gun for about two seconds, seemingly yelling, "Back the fuck up!"

Moments later, at the 00:48 minute mark on the recording, the camera clearly focuses on § 87(2)(b). He is lying on his stomach and is not moving. Officer Chen is straddling his upper back. Officer Chen wraps his left forearm and then the crux of his left elbow around § 87(2)(b)'s throat, pulling § 87(2)(b) slightly off the ground. While doing so, Officer Chen connects his right forearm with his left wrist to maintain the grip around § 87(2)(b)'s throat. Officer Ferreira, still on the ground, then fully handcuffs § 87(2)(b)'s hands, which are in front of his body. As the above is occurring, § 87(2)(b)'s facial expressions and remarks (if any) are unclear. However, at the 01:10 mark on the recording, Officer Chen releases the grip.

At the 01:14 minute mark on the recording, Sergeant Robert Maloney (white man, plainclothes, balding), from the 77th Precinct, runs over to § 87(2)(b). Officer Chen, and Officer Ferreira. He gets on his knees next to § 87(2)(b). Multiple other unidentified officers in uniform and plainclothes are on the scene at this point, walking around and monitoring the crowd, which is still yelling at the officers.

At the 01:26 minute mark on the recording, Officer Jason Brunson (white man, plainclothes, blue shirt, jeans), from the 77th Precinct, runs over to § 87(2)(b). Officer Chen, Officer Ferreira, and Sergeant Maloney. Officer Brunson gets on his knees near § 87(2)(b). Because the officers are surrounding § 87(2)(b) it is unclear what is happening.

At the 01:48 minute mark on the recording, Officer Brunson and an unidentified officer in plainclothes pick § 87(2)(b) up off the ground. Officer Brunson immediately pats § 87(2)(b)'s crotch. He does not pat anywhere else on § 87(2)(b)'s body.

The camera subsequently moves away from § 87(2)(b) and returns to him at the 01:52 minute mark on the recording. Officer Chen is holding § 87(2)(b) from behind and Officer Brunson is standing in front of him. Sergeant Maloney has moved away from § 87(2)(b) and is surveying the scene, looking inside a trash can, which is on the ground.

§ 87(2)(b) who is still handcuffed with his hands behind his back, repeatedly tries to bend forward. However, multiple officers, including Officer Brunson and Officer Chen, are able to pull him up and walk him to a marked patrol car, parked a few feet away.

At about the 02:10 minute mark on the recording, § 87(2)(b) reaches the patrol car. However, due to the crowd of officers around him, the camera does not capture what is happening (e.g. if and how § 87(2)(b) is placed in the patrol car, and who actually places him inside).

Immediately thereafter, the camera turns away. § 87(2)(b) and the officers who brought him to the patrol car are no longer visible. There is now a crowd of over 20 unidentified officers on the scene. The camera also shows multiple civilians (upwards of 20) who were not initially within the view of the camera when § 87(2)(b) was being apprehended. Multiple civilians continue to hurl insults at the officers and the video ends.

At no point in the video is § 87(2)(b) seen bleeding from his face. Additionally, no officer is seen punching § 87(2)(b).

Civilian Statement

Victim: § 87(2)(b)

- § 87(2)(b) is a black man who was § 87(2)(b) old at the time of the incident. He is 5'6" tall and 130 pounds. § 87(2)(b) has black hair and brown eyes.

Arrest Photograph

In his arrest photograph [enclosed 6], most of § 87(2)(b)'s forehead is bandaged. The bandage extends down slightly to the right side of his face, to about ear-length. There are no visible injuries whatsoever to the front of § 87(2)(b)'s face, including his nose, eyes, mouth, or chin, nor is any other part of his face bandaged.

CCRB Statement

On October 11, 2012, § 87(2)(b) was interviewed at § 87(2)(b) enclosed 5A-5G]. His statement is summarized below.

On August 24, 2012, at approximately 7:30 p.m., § 87(2)(b) was walking to a local barbershop, located near 278 Albany Avenue in Brooklyn, to have his hair cut. It was light outside and during the walk he noticed an unmarked police car with three officers inside. However, he did not pay them any attention.

About an hour earlier, § 87(2)(b) had smoked one blunt of marijuana, causing him to feel “focused,” but not high. At no point did § 87(2)(b) smell of marijuana.

At the time, § 87(2)(b) was wearing a jock strap underneath his cargo pants. Inside the cup of his jock strap, § 87(2)(b) had a small, non-collapsible, palm-sized gun, and about three grams of marijuana stored in a Ziploc bag. The jock strap did not create a bulge and § 87(2)(b) never motioned towards it.

When he reached 278 Albany Avenue, § 87(2)(b) from the curb, saw his friend, § 87(2)(b) and two women whose names he did not know. The three were sitting on the stoop, which was adjoined to the barbershop. § 87(2)(b) did not have any interaction with § 87(2)(b) or the two women, did not see the three interact with one another, and did not smell marijuana in the immediate vicinity.

About 40 seconds later, the unmarked police car that § 87(2)(b) had seen moments earlier turned onto Albany Avenue. As soon as it did so, § 87(2)(b) got up and ran in § 87(2)(b)'s direction.

The police car subsequently stopped and two officers, identified via investigation as Officer Darryl Chen and Officer Edwin Ferreira, both from the 77th Precinct, exited the car and ran towards § 87(2)(b) who was still standing near the curb. The unmarked police car then flashed its lights and took off, following § 87(2)(b) who had run past § 87(2)(b) towards Kingston Avenue, with § 87(2)(b) losing sight of him.

Seconds later, Officer Chen and Officer Ferreira reached § 87(2)(b) and Officer Chen grabbed his right arm. § 87(2)(b) did not see either of the two officers' handcuffs out, but noticed that his right arm had been handcuffed instantly. § 87(2)(b) questioned what the officers' “probable cause” was for stopping him, and either Officer Chen or Officer Ferreira responded that the officers had smelled marijuana. § 87(2)(b) immediately pushed Officer Chen and then pulled his left arm away from the officers so that they could not fully handcuff him.

Officer Ferreira subsequently grabbed § 87(2)(b)'s left arm, and both he and Officer Chen took § 87(2)(b) to the ground. The officers then dragged § 87(2)(b) a few feet towards 1174 Saint Johns Place as § 87(2)(b) repeatedly asked the officers why he was being arrested.

Once in front of 1174 Saint Johns Place, § 87(2)(b) was face down, on his stomach. Officer Chen straddled his upper body and Officer Ferreira straddled his lower body. § 87(2)(b) did not specify if he was making any body movements or comments at the time.

Nevertheless, once on the ground, Officer Chen punched § 87(2)(b) on his nose, squarely in the middle of his face. § 87(2)(b) then bit Officer Chen's (determined via the video footage to have been Officer Ferreira's) forearm. Officer Chen then punched § 87(2)(b) again on his nose. After that, § 87(2)(b) was fully handcuffed and offered no physical resistance.

As the above was occurring, a large crowd of people had gathered and had circled Officer Chen, Officer Ferreira, and § 87(2)(b). The crowd repeatedly yelled at the officers, chastising them for their behavior. An officer, described by § 87(2)(b) as Officer Chen, but determined via the video footage to be Officer William Camacho, from the 77th Precinct, removed his gun (not mentioned if it was pointed) and said to the crowd, “Back up,” twice. The crowd complied with the directive.

Because § 87(2)(b)'s face was bloodied, he could not see the totality of what was occurring. However, one woman named “§ 87(2)(b)” (identified via investigation as § 87(2)(b)) came within three feet of the officers and repeatedly yelled at the officers. However, at no point did she become “physical” with them.

Officer Camacho then grabbed § 87(2)(b) by the waist and threw her to the ground. § 87(2)(b) was later arrested, but § 87(2)(b) could not provide further details.

Following the above, § 87(2)(b) was lifted and removed to a marked police car, which was parked nearby. During this time, the crowd continued to shout at the officers.

With his body half inside of the police car, officers § 87(2)(b) did not describe which) “searched” his waistband area. Officer Chen held § 87(2)(b)'s legs, while PO1, an unidentified officer whom § 87(2)(b) could only describe as a 40-year-old white man with brown hair, held § 87(2)(b) down by his upper body.

As this was occurring, an officer, identified via investigation as Officer Jason Brunson, from the 77th Precinct, “searched” § 87(2)(b)'s body. This included Officer Brunson entering § 87(2)(b)'s pants, and recovering the non-collapsible, palm-sized gun and the marijuana.

Once fully in the rear of the police car, PO1 sat next to § 87(2)(b) an officer whom § 87(2)(b) had not previously seen and could not describe, was the driver, and Officer Brunson was the front passenger. During the entire ride to the 77th Precinct stationhouse, PO1 held § 87(2)(b) in a “headlock,” “choking” him, preventing him from moving his head or saying anything, and restricting his breathing. § 87(2)(b) did not estimate the length of the car ride.

When he arrived at the 77th Precinct stationhouse, § 87(2)(b) was taken to a back room and informed that he would be strip searched. There were two officers in the back room with § 87(2)(b) – PO2, whom he could only describe as a uniformed white man, and PO3, whom he could only describe as a 6’3” tall white man in plainclothes. § 87(2)(b) protested the forthcoming strip search and, in response, PO2 punched him twice in his ribs.

The two officers subsequently removed § 87(2)(b)'s handcuffs, had him strip naked, squat, and cough. Nothing was recovered and § 87(2)(b) put his clothes back on.

Soon after, § 87(2)(b) was taken to § 87(2)(b). He claimed that, as a result of having been punched on his head (he did not specify when this happened), his head was bandaged at the hospital. He also claimed to have suffered fractured ribs, but again, did not explain what force led to this injury.

Attempts to Contact Civilians

§ 87(2)(b)'s arrest report and the 77th Precinct Command Log consistently provided one address for § 87(2)(b) but no telephone number. A search of the Lexis Nexis database produced no results for § 87(2)(b) whatsoever. Thus, on January 10, 2013, and February 20, 2013, please call letters were mailed to § 87(2)(b) at the aforementioned address. None of these letters were returned by the United States Postal Service (USPS).

To date, § 87(2)(b) has failed to contact the CCRB and a query of the New York City Department of Correction Inmate Tracking System website revealed that he is not currently incarcerated in New York City.

§ 87(2)(b)
§ 87(2)(b)'s arrest report and the 77th Precinct Command Log consistently provided one address for § 87(2)(b) but no telephone number. A search of the Lexis Nexis database did not confirm the aforementioned address. Instead, it produced an alternative address for § 87(2)(b) but no telephone number. Thus, between October 15, 2012, and February 2, 2013, two please call letters were mailed to § 87(2)(b) at each of the two addresses noted above. The letters mailed to the address produced by the Lexis Nexis search were returned as undeliverable by the USPS. The letters mailed to § 87(2)(b) at the address listed on her arrest report and the 77th Precinct Command Log were not returned by the USPS.

To date, § 87(2)(b) has failed to contact the CCRB and a query of the New York City Department of Correction Inmate Tracking System website revealed that she is not incarcerated in New York City.

NYPD Statements

Subject Officer: OFFICER DARRYL CHEN

- *Officer Chen is a § 87(2)(b)-old black man. He is 5'10" tall and 220 pounds. Officer Chen has black hair and brown eyes.*
- *On August 24, 2012, Officer Chen, from the 77th Precinct, was dressed in uniform, assigned to Conditions, and partnered with Officer Edwin Ferreira and Officer William Camacho, both also from the 77th Precinct, in an unmarked patrol car. Officer Chen worked from 2 p.m. to 10:35 p.m.*

Memo Book Entries

At 7:35 p.m., Officer Chen radioed for additional units at Saint Johns Place and Albany Avenue. Two men § 87(2)(b) and § 87(2)(b) and one woman § 87(2)(b) were arrested. At 9:20 p.m., Officer Chen was en route to the hospital with Officer Ferreira and Officer Camacho [enclosed 9A-9C].

CCRB Statement

On March 13, 2013, Officer Chen was interviewed at the CCRB [enclosed 11A-11E]. His statement is summarized below.

On August 24, 2012, at approximately 7:30 p.m., Officer Chen, Officer Ferreira, and Officer Camacho were in their unmarked patrol car, driving near Saint Johns Place and Albany Avenue in Brooklyn. Officer Camacho was the driver, Officer Chen was the front passenger, and Officer Ferreira was seated in the back. No one else was in the car and all windows were open.

From about 15 feet away, Officer Chen observed a group of six to eight individuals, sitting on a stoop across the street. Amongst the group were § 87(2)(b) and § 87(2)(b). Officer Chen smelled the odor of marijuana emanating from the group.

To investigate, Officer Chen, Officer Ferreira, and Officer Camacho, all in uniform, stopped and exited their patrol car with intent to approach the group. As they did so (reaching within 10 feet), § 87(2)(b) and § 87(2)(b) immediately stood up and grabbed their crotches.

Officer Chen was focusing primarily on § 87(2)(b) who had a large bulge near his crotch-area. Officer Chen could not describe the bulge in further detail. However, when § 87(2)(b) grabbed the bulge, he adjusted it as if he were attempting to keep it in place, leading Officer Chen, based on experience, to believe that he was attempting to conceal drugs or a weapon.

As soon as § 87(2)(b) and § 87(2)(b) reached for their crotches, they fled from the officers. Officer Camacho and Officer Ferreira chased § 87(2)(b) and Officer Chen chased § 87(2)(b) all in the same direction. § 87(2)(b) ended up behind Officer Ferreira with Officer Chen behind § 87(2)(b).

Officer Chen repeatedly ordered § 87(2)(b) to stop and yelled to Officer Ferreira, alerting him that § 87(2)(b) was behind him. This prompted Officer Ferreira to stop, which caused § 87(2)(b) to turn around and incidentally bump into Officer Chen.

Officer Chen immediately grabbed § 87(2)(b) by his chest or arms, and § 87(2)(b) flailed his entire body. Officer Chen ordered § 87(2)(b) to “calm down,” but § 87(2)(b) continued to resist. The struggle caused both Officer Chen and § 87(2)(b) to fall to the ground.

Once on the ground, Officer Chen grabbed one of § 87(2)(b)'s arms. Officer Ferreira placed his body on the ground and held onto the same arm. Both officers then tried to grab § 87(2)(b)'s other arm. However, § 87(2)(b) tucked it beneath his chest, extended it below his waist, and reached towards his crotch. Officer Chen repeatedly ordered § 87(2)(b) to place his hands behind his back, but § 87(2)(b) refused to comply. Instead, he wiggled his body and continued reaching towards his crotch.

As the above was occurring, a crowd of about 20 people gathered around the officers and collectively yelled at them. One individual, whom Officer Chen believed to be § 87(2)(b) punched Officer Chen on the back of his head multiple times.

At that point, § 87(2)(b) was on his stomach and Officer Chen was still holding onto one of his arms. Officer Ferreira was also attempting to restrain § 87(2)(b) but Officer Chen did not recall how. Because of the crowd, Officer Chen used his free hand to radio for additional units.

Soon after, Officer Camacho came to the scene and removed § 87(2)(b). However, Officer Chen did not recall how. Officer Camacho also ordered the crowd to back away from the scene, but Officer Chen did not recall if Officer Camacho drew his firearm.

Moments later, additional units arrived on the scene. However, Officer Chen did not recall who these officers were. Regardless, these officers relieved Officer Chen and handcuffed § 87(2)(b) while he was on the ground.

Officer Chen then moved away to regain his composure. He did not recall where Officer Ferreira and Officer Camacho were.

During this time, Officer Jason Brunson, from the 77th Precinct, approached Officer Chen and handed him a firearm and crack cocaine to voucher as arrest evidence. Officer Brunson informed him that these items had been recovered from § 87(2)(b)'s person (which Officer Chen did not witness).

Officer Chen then went to a nearby patrol car where § 87(2)(b) had been taken. § 87(2)(b) was handcuffed and seated in the back of the patrol car. There were two uniformed officers in the front of the car, but Officer Chen did not recall who they were. Officer Chen sat in the back of the patrol car next to § 87(2)(b).

The patrol car subsequently departed the location for the 77th Precinct stationhouse. During the ride, Officer Chen did not make physical contact with § 87(2)(b) (including using a chokehold against him) and did not see any other officer do so.

When they arrived at the 77th Precinct stationhouse, Officer Chen escorted § 87(2)(b) inside. He did not recall if the other two escorting officers went with him.

Once in the stationhouse, Officer Chen placed § 87(2)(b) against a wall and handed the arrest evidence to the desk sergeant.

Around that time, Officer Camacho, Officer Ferreira, and Sergeant Robert Maloney, also from the 77th Precinct, arrived at the stationhouse as well. Sergeant Maloney instructed Officer Chen to take Officer Ferreira and Officer Camacho to the hospital due to injuries sustained from

the incident. Officer Chen complied with the directive. He last saw § 87(2)(b) standing against the wall in the stationhouse.

Officer Chen denied ever punching § 87(2)(b). He did not see any other officer do so. Officer Chen denied ever making contact with § 87(2)(b)'s throat during the incident.

Following his statement and initial questioning, Officer Chen was presented with the video footage. Officer Chen stated that, between the beginning of the video and the 00:15 minute mark on the recording, his hands were making contact with § 87(2)(b)'s chin and then upper chest in order to subdue him, and prevent him from biting and spitting. Officer Chen stated that, between the 00:52 and 01:03 minute marks on the recording, his arm is positioned around § 87(2)(b)'s upper chest/collar bone, not his throat. Additionally, aside from Officer Ferreira, Officer Camacho, Sergeant Maloney, and Officer Brunson, he could not identify who any of the other officers on the scene were.

Officer Chen added that § 87(2)(b) had begun to reach for his crotch while on the ground prior to when the camera began to record.

Witness Officer: OFFICER EDWIN FERREIRA

- *Officer Ferreira is a § 87(2)(b)-old Hispanic man. He is 5'10" tall and 185 pounds. Officer Ferreira has black hair and brown eyes.*
- *On August 24, 2012, Officer Ferreira, from the 77th Precinct, worked the same tour and assignment as Officer Darryl Chen.*

§ 87(2)(b) Arrest Report

Officer Ferreira prepared the arrest report for § 87(2)(b) [enclosed 13A-13B].

§ 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The narrative of the arrest report states the following: § 87(2)(b) was found to be in possession of a loaded 40-caliber firearm, a large quantity of a controlled substance, and a quantity of marijuana. He resisted arrest and assaulted Officer Ferreira by biting him and, thereby causing a laceration, bleeding, and significant pain. A strip search was conducted at the 77th Precinct stationhouse under the authority of Sergeant Robert Maloney.

The arrest report notes that physical force was used against § 87(2)(b) to overcome assault. The report also documents, amongst other items, a firearm, narcotics, and currency as being vouchered as arrest evidence.

§ 87(2)(b) Arrest Report

Officer Ferreira also prepared the arrest report for § 87(2)(b) [enclosed 14A-14B].

§ 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The arrest report notes that physical force was used against § 87(2)(b) but does not specify the type or reason.

AIDED Report

Officer Ferreira prepared an AIDED report on his own behalf [enclosed 15A-15E]. It states that, while effecting the arrest of an armed perpetrator § 87(2)(b) Officer Ferreira was injured as a result of being bitten on his right hand.

Memo Book Entries

At 7:46 p.m., two arrests (those of § 87(2)(b) and § 87(2)(b) were made in front of 1174 Saint Johns Place for § 87(2)(a) 160.50 § 87(2)(b). At 8 p.m., Officer Ferreira arrived at the 77th Precinct stationhouse with significant bleeding from a bite received by § 87(2)(b) on his right wrist and hand. At 9:20 p.m., Officer Ferreira arrived at § 87(2)(b) [enclosed 16A-16C].

CCRB Statement

On March 14, 2013, Officer Ferreira was interviewed at the CCRB [enclosed 18A-18D]. § 87(2)(g)

Officer Ferreira corroborated all details and circumstances regarding the initial observations of the group from the vehicle and upon approach. He added that one or more individuals (he did not recall who) had lit substances in their hands, similar in appearance to a cigarette. He also added that only he and Officer Chen exited the vehicle and approached the group, while Officer Camacho remained in the vehicle. In addition, Officer Ferreira provided a more detailed description of the bulge on § 87(2)(b)'s crotch area, stating that it was “not small” and seemingly “heavy.”

Contrary to Officer Chen, Officer Ferreira stated the following: He gave chase to § 87(2)(b) and was running behind him. While running, he saw § 87(2)(b) keep one hand on his crotch while his other arm was freely moving. Officer Ferreira subsequently caught up with § 87(2)(b) from behind and grabbed both of his arms, which § 87(2)(b) flailed. The momentum took both to the ground, at which point Officer Ferreira ordered § 87(2)(b) to stop resisting and tried to take hold of his arms. At that point, Officer Chen arrived and got on the ground with Officer Ferreira and § 87(2)(b).

Officer Ferreira generally corroborated all details of § 87(2)(b)'s resistance, and his and Officer Chen's efforts to restrain him while he was on the ground. He further corroborated the size, proximity, and hostile behavior of the crowd, as well as § 87(2)(b)'s physical and verbal interference. He too confirmed that Officer Camacho appeared and removed her (but did not recall how). However, he added that Officer Camacho drew and pointed his firearm at around that time.

Like Officer Chen, Officer Ferreira moved away from the scene to regain his composure when additional units arrived, which included Officer Brunson and Sergeant Maloney, and apprehended § 87(2)(b).

At no point during the struggle with § 87(2)(b) did Officer Ferreira punch § 87(2)(b) or make physical contact with his throat. He did not recall if Officer Chen used any of the aforementioned force.

Moments later, from about four feet away, while Sergeant Maloney and Officer Brunson were with § 87(2)(b) Officer Ferreira twice yelled to them, “It’s in his underwear.” Officer Ferreira did not specify to the officers what “it” meant, but personally believed “it” to be a weapon. He did not say anything else to Sergeant Maloney and Officer Brunson at the arrest location and was unsure if they heard him.

Officer Ferreira then left the vicinity to search for his radio, which he had dropped during the struggle. As a result, he did not witness any type of search of § 87(2)(b) at the location.

As Officer Ferreira searched for his radio, he encountered § 87(2)(b) whom he immediately handcuffed and arrested for her previous actions. He then transported § 87(2)(b) to the 77th Precinct stationhouse, but did not recall which, if any, other officers were with him. Officer Ferreira did not transport § 87(2)(b) to the stationhouse and did not learn who did.

Officer Ferreira confirmed that when he arrived at the 77th Precinct stationhouse, he saw § 87(2)(b) near the front desk, but then went to § 87(2)(b) with Officer Chen and Officer Camacho.

Following his statement and initial questioning, Officer Ferreira was presented with the video footage. It did not refresh his independent recollection of Officer Chen's actions during § 87(2)(b)'s apprehension and, aside from the officers he names in his testimony, he could not identify any additional officers on scene.

Subject Officer: OFFICER WILLIAM CAMACHO

- *Officer Camacho is a § 87(2)(b)-old Hispanic man. He is 6'1" tall and 275 pounds. Officer Camacho has black hair and brown eyes.*
- *On August 24, 2012, Officer Camacho, from the 77th Precinct, worked the same tour and assignment as Officer Darryl Chen and Officer Edwin Ferreira.*

§ 87(2)(b) Arrest Report

Officer Camacho prepared the arrest report for § 87(2)(b) [enclosed 19A-19C].

§ 87(2)(b) was charged with § 87(2)(a) 160.50

§ 87(2)(a) 160.50

The arrest report notes that no physical force was used against § 87(2)(b) but that a police officer was injured. § 87(2)(a) 160.50

AIDED Report

Officer Camacho prepared an AIDED report on his own behalf [enclosed 20A-20E]. It states that, while effecting the arrest of an armed and violent perpetrator § 87(2)(b) Officer Camacho injured his right knee and lower back.

Memo Book Entries

At 7:35 p.m., a call was made for additional units at Saint Johns Place and Albany Avenue. At 7:44 p.m., Officer Camacho reported a vehicle accident. At 7:46 p.m., § 87(2)(b) was placed under arrest. At 8 p.m., Officer Camacho arrived at the 77th Precinct stationhouse. He had back, knee, and chest pain. At 9:20 p.m., Officer Camacho arrived at § 87(2)(b) [enclosed 21A-21B].

CCRB Statement

On March 14, 2013, Officer Camacho was interviewed at the CCRB [enclosed 23A-23D]. His statement is summarized below.

Officer Camacho confirmed the initial observations of the group. He added that he then parked the police vehicle in front of the group and the odor of marijuana grew stronger and was clearly emanating from these individuals. However, he did not see any of the group members with lit substances in their hands.

Officer Camacho confirmed that he remained in the vehicle as Officer Chen and Officer Ferreira exited to approach the group. However, before the two officers could reach them, the group fled in different directions. Both § 87(2)(b) and § 87(2)(b) grabbed their waists before running. Officer Camacho did not recall further details, including if he saw a bulge.

As Officer Chen and Officer Ferreira chased § 87(2)(b) on foot, Officer Camacho followed § 87(2)(b) in his patrol car, losing sight of his partners and § 87(2)(b).

As Officer Camacho was following § 87(2)(b) in his vehicle, § 87(2)(b) was running on the sidewalk, westbound along Saint Johns Place, slightly ahead of Officer Camacho. § 87(2)(b) immediately removed a firearm from his waistband and clearly displayed it, while repeatedly looking back at Officer Camacho.

Officer Camacho, who was driving against traffic, pulled out his firearm, pointed through the car window, and repeatedly ordered § 87(2)(b) to drop his weapon. When § 87(2)(b) reached the intersection of Saint Johns Place and Kingston Avenue, he threw his firearm under a parked car and continued to run. Because of oncoming traffic, Officer Camacho stopped his patrol car, exited, holstered his firearm, and pursued § 87(2)(b) on foot.

After about a one block chase, Officer Camacho caught up with § 87(2)(b) and tried to take him to the ground. § 87(2)(b) flailed his arms and physically resisted. However, another officer appeared, whom Officer Camacho did not recognize (and whose name he never learned), and, together, the two successfully handcuffed § 87(2)(b). Officer Camacho asked this officer to remain with § 87(2)(b) while he went back to recover the discarded firearm and assist his partners.

Officer Camacho ran back to Saint Johns Place and Kingston Avenue – where § 87(2)(b) had thrown the gun. There, he encountered an unidentified woman who informed him that an individual in a red shirt had picked up the gun and had run towards 1174 Saint Johns Place.

Officer Camacho looked in that direction and suddenly saw a large crowd of about 50 people, which had assembled in the area. He again called for additional units, then re-entered his patrol car and drove to the location. However, he ended up getting into a “fender bender” with another vehicle.

So as not to lose time, Officer Camacho exited the patrol car and ran towards the crowd. As he drew closer, he saw Officer Chen and Officer Ferreira on the ground, attempting to apprehend § 87(2)(b). However, Officer Camacho was unable to see exactly what they were doing to apprehend him.

Officer Camacho then saw § 87(2)(b) on top of either Officer Chen or Officer Ferreira. She was attempting punch one of the two officers. In addition, the crowd was within feet of Officer Chen and Officer Ferreira, clearly in a position to grab their firearms.

Officer Camacho immediately ran towards § 87(2)(b) and, using his shoulder, bumped her away from Officer Chen and Officer Ferreira. He did not recall if she fell to the ground as a result. Officer Camacho then removed his firearm and pointed it at the crowd, ordering all members to back up. He justified this action by citing the crowd’s proximity to Officer Chen and Officer Ferreira as they tried to apprehend § 87(2)(b) its hostility, and the fact that one of its members could have possibly recovered § 87(2)(b)’s firearm.

In reaction to the pointing of his gun, many members of the crowd moved back. However, numerous individuals continued to scream and curse. Due to his fixation on the crowd, Officer Camacho did not see how Officer Chen and Officer Ferreira were physically apprehending § 87(2)(b).

Moments later, additional units arrived, and Officer Camacho returned to Saint Johns Place and Kingston Avenue to locate the unidentified woman who had informed him of the individual who had recovered § 87(2)(b)’s gun. However, he was unable to find her.

Officer Camacho then went back to 1174 Saint Johns Place. He saw Sergeant Maloney and Officer Brunson nearby, but did not recall what they were doing. Officer Camacho never learned

who retrieved § 87(2)(b)'s firearm and, as a result of an injury to his knee during the incident, entered a patrol car and drove to the 77th Precinct stationhouse alone.

Officer Camacho did not learn with whom, if anyone, Officer Chen and Officer Ferreira returned to the stationhouse. At no point during the incident, did he see any officer punch § 87(2)(b) or make contact with § 87(2)(b)'s throat.

When he arrived at the 77th Precinct stationhouse, Officer Camacho saw § 87(2)(b) near the front desk. He did not recall which officers were near him. He immediately left, en route to New York Methodist Hospital, to treat his injuries from the incident. He did not specify his involvement, if any, in the processing of § 87(2)(b)'s arrest then or thereafter.

Following his statement and initial questioning, Officer Camacho was presented with the video footage. He corrected his earlier testimony, acknowledging that he used his hands, rather than his shoulder, to “bump” § 87(2)(b) out of the way. When directed to the point in the video (01:07 mark on the recording) where he seemingly says to the crowd, “Back the fuck up,” Officer Camacho stated that he did not recall making the comment and, based on the video, was unsure if he said it. Additionally, aside from the officers whom he named in his testimony, he could not identify any of the other officers on scene.

Subject Officer: SERGEANT ROBERT MALONEY

- *Sergeant Maloney is a § 87(2)(b)-old white man. He is 5’7” tall and 160 pounds. Sergeant Maloney has brown hair, is balding, and has brown eyes.*
- *On August 24, 2012, Sergeant Maloney, from the 77th Precinct, was dressed in plainclothes and acted as a Conditions Supervisor. However, he remained inside the 77th Precinct stationhouse for most of his tour to perform administrative duties. He worked from 2 p.m. to 10:57 p.m.*

Memo Book Entries

At 7:35 p.m., Sergeant Maloney received a radio transmission for additional units at Saint Johns Place and Albany Avenue. At 7:46 p.m., he noted the arrests of § 87(2)(b) and § 87(2)(b). At 7:50 p.m., Sergeant Maloney authorized the strip searches of § 87(2)(b) and § 87(2)(b) [enclosed 24A-24E].

CCRB Statement

On March 15, 2013, Sergeant Maloney was interviewed at the CCRB [enclosed 26A-26C]. His statement is summarized below.

At approximately 7:35 p.m., Sergeant Maloney was in his office inside the 77th Precinct stationhouse, performing administrative duties and monitoring the precinct division radio. At that point, he heard a radio transmission, requesting additional units at Saint Johns Place and Albany Avenue. As a result, Sergeant Maloney, and multiple Anti-Crime officers (he did not recall who) entered an unmarked vehicle and responded to the location.

When they arrived, all of the officers exited the vehicle. Sergeant Maloney did not know where the Anti-Crime officers went. However, he saw two of his officers – Officer Chen and Officer Ferreira – on the ground with § 87(2)(b). They were surrounded by a large, hostile crowd.

Sergeant Maloney immediately approached. § 87(2)(b) was face-down, and Officer Chen or Officer Ferreira were trying to secure his arms, as § 87(2)(b) refused to comply with directives and flailed his body. Sergeant Maloney, along with other officers whose names he did not recall, assisted, and together the officers handcuffed § 87(2)(b). At no point did Sergeant Maloney see any officer punch § 87(2)(b) or make contact with his throat.

After § 87(2)(b) was handcuffed, multiple officers escorted him to a nearby patrol car. Sergeant Maloney did not recall who did so, but speculated that he might have assisted. He did not recall his position relative to the patrol car thereafter.

Prior to being placed in the patrol car, Officer Brunson searched § 87(2)(b). Sergeant Maloney did not witness the search. However, Officer Brunson later informed him of it (either at the arrest location or at the 77th Precinct stationhouse) and that a firearm had been recovered from § 87(2)(b)'s person. At some point, Sergeant Maloney saw the firearm, but did not recall its shape or size.

§ 87(2)(b) was subsequently placed in the back of the patrol car and taken to the 77th Precinct stationhouse. Sergeant Maloney did not know which officers were in the patrol car with him.

After remaining at the arrest location for a few minutes to see if any additional evidence had been dropped or discarded, Sergeant Maloney returned to the 77th Precinct stationhouse. When he entered, he saw § 87(2)(b) standing against a wall near the front desk, surrounded by officers whose names he did not recall.

While at the stationhouse, Sergeant Maloney authorized the strip search of § 87(2)(b). He did so because a firearm had been recovered and he wanted to ensure that § 87(2)(b) was not concealing another weapon which could have endangered the safety of those in the stationhouse.

Sergeant Maloney was present for the strip search, which was conducted with another officer. Sergeant Maloney did not recall who this officer was, whether he was dressed in uniform or plainclothes, or if this officer had also been at the arrest location. He testified that this officer could have been any male officer in the stationhouse at the time.

Sergeant Maloney did not recall § 87(2)(b)'s demeanor during the strip search. However, he confirmed that neither he nor the other officer punched him during or prior to the strip search.

Because § 87(2)(b) likely complained of injuries, he was subsequently taken to § 87(2)(b).

After his initial statement and questioning, Sergeant Maloney was presented with the video footage. He did not recognize any other officers, aside from Officer Chen, Officer Ferreira, Officer Camacho, and Officer Brunson.

Subject Officer: OFFICER JASON BRUNSON

- *Officer Brunson is a § 87(2)(b)-old Hispanic man. He is 6'1" tall and 200 pounds. Officer Brunson has brown hair and green eyes.*
- *On August 24, 2012, Officer Brunson, from the 77th Precinct, was dressed in plainclothes and was assigned to Anti-Crime. He was partnered with Sergeant Joseph Perrotto, Officer Jason Morales, and Officer Stephen Minucci, all also from the 77th Precinct, in a marked patrol car. Officer Brunson worked from 7 p.m. on August 24, 2012 to 12:35 a.m. on August 25, 2012.*

Memo Book Entries

At 7:40 p.m., Officer Brunson noted an arrest by Officer Camacho on the corner of Saint Johns Place and Albany Avenue [enclosed 27A-27C].

CCRB Statement

On March 15, 2013, Officer Brunson was interviewed at the CCRB [enclosed 29A-29C]. His statement is summarized below.

At approximately 7:35 p.m., Officer Brunson was in the 77th Precinct stationhouse when he received the same radio transmission as Sergeant Maloney. The two (and possibly others) entered a vehicle and drove to the incident location. Officer Brunson confirmed that his assigned

partners for the day – Sergeant Perrotto, Officer Morales, and Officer Minucci – were not with them.

After arriving, Officer Brunson assisted in handcuffing § 87(2)(b). He then picked § 87(2)(b) up off the ground with another officer (he did not recall who). When he picked § 87(2)(b) up, Officer Brunson patted § 87(2)(b)'s waist and felt a hard object near his groin.

Upon touch, the object clearly felt like the shape of a gun. It was about the size of an average man's hand and Officer Brunson could specifically feel the handle, with the rest of the gun tucked downward.

Officer Brunson placed his hand inside of § 87(2)(b)'s pants in an attempt to remove the firearm. At that point, he felt the actual gun, which was partially tucked into a jock strap that § 87(2)(b) was wearing. However, § 87(2)(b) refused to let Officer Brunson remove the firearm by "squirming [his body] around."

Officer Brunson and the unidentified officer who had assisted him in picking § 87(2)(b) up, brought him to a nearby patrol car. However, § 87(2)(b) refused to enter. When the two officers finally got him inside § 87(2)(b) attempted maneuver himself out of the patrol car.

During the struggle to keep him inside, § 87(2)(b) who was on his back and whose hands were rear-cuffed, was able to wrap his lanky arms around his body and reach towards his crotch.

The unidentified officer with Officer Brunson grabbed § 87(2)(b)'s arms as Officer Brunson tried to straddle his legs. In the process, § 87(2)(b) repeatedly tried to kick Officer Brunson. Finally, the officers were able to hold § 87(2)(b) down and gain control of him.

Officer Brunson and the unidentified officer were the only two officers in the patrol car at the time. Neither of the two punched § 87(2)(b) or used any maneuver consistent with that of a chokehold.

Once § 87(2)(b) was pinned down, Officer Brunson again reached into his pants. He accessed § 87(2)(b)'s jock strap and fully removed the firearm, which was about two inches below his waist.

While removing the firearm from § 87(2)(b)'s jock strap, Officer Brunson felt a bulge one inch beneath the firearm. He did not recall the shape or size of the bulge, but distinctly remembered believing it to be narcotics. Thus, he reached into § 87(2)(b)'s jock strap again, and did, in fact, recover narcotics. He believed that he retrieved crack cocaine, but did not recall.

Following the recovery of these items, Officer Brunson immediately handed them to another officer, whose name he did not recall. He informed Sergeant Maloney, Officer Chen, and Officer Ferreira, who were still somewhere at the location, that he had recovered the gun, but did not recall the specifics of the conversation.

Officer Brunson did not believe that he transported § 87(2)(b) to the 77th Precinct stationhouse and he did not know who did. He arrived back at the stationhouse a few minutes later, but did not recall whom he was with. When he arrived at the stationhouse, Officer Brunson saw § 87(2)(b) near the front desk. He did not recall if he saw other officers near § 87(2)(b) and did not recall any details of § 87(2)(b) being strip searched.

After his initial statement and questioning, Officer Brunson was presented with the video footage. At the 01:46 mark on the recording, Officer Brunson acknowledged that that was the point when he was frisking § 87(2)(b) and initially felt the outline of the weapon.

Attempts to Obtain § 87(2)(b)'s Medical Records

Based on § 87(2)(b)'s testimony and NYPD documentation, it is undisputed that § 87(2)(b) was transported to § 87(2)(b) immediately following the incident. However, attempts to obtain his medical records from this facility were unsuccessful [enclosed 30A-30G].

On October 15, 2012, a subpoena was served on § 87(2)(b) for § 87(2)(b)'s medical records, using the name § 87(2)(b) with an approximated social security number, as § 87(2)(b) was unsure of his actual social security number. § 87(2)(b) responded, noting that the requested medical records were not on file.

On February 27, 2013, HIPAA forms were mailed to § 87(2)(b) on Rikers Island with a letter requesting that he sign them under the name "§ 87(2)(b) (his mother's last name and his full first name) and provide his accurate social security number. § 87(2)(b) returned the HIPAA forms to the CCRB, which were served via subpoena on § 87(2)(b) on August 28, 2013. However, once again, the hospital could not locate § 87(2)(b)'s medical records.

NYPD Documents

77th Precinct Command Log

According to the 77th Precinct Command Log [enclosed 32A-32G], § 87(2)(b) arrived at the 77th Precinct stationhouse at 7:49 p.m. on August 24, 2012. His physical/mental condition was assessed as "apparently normal." At 7:50 p.m., § 87(2)(b) was strip searched under the authorization of Sergeant Robert Maloney. The Command Log does not note who was present for the strip search. At 9:10 p.m., § 87(2)(b) was transported to § 87(2)(b). At § 87(2)(b), § 87(2)(b) returned to the 77th Precinct stationhouse from § 87(2)(b).

SPRINT Report

At 7:36 p.m., additional units were requested as officers were attempting to effect an arrest near 1174 Saint Johns Place. A crowd had gathered and one of the perpetrators § 87(2)(b) had fled on foot. Aviation was mobilized and numerous units from the 77th Precinct, 79th Precinct, 71st Precinct, and ESU responded [enclosed 31A-31C].

Property Vouchers

Amongst other items, a pistol, gun ammunition, marijuana, and crack cocaine were recovered from § 87(2)(b)'s person and vouchered as arrest evidence [enclosed 34A-34I].

Other Evidence

MapQuest Printout

The MapQuest website [enclosed 36A-36B] reveals that the distance from the incident location (1174 Saint Johns Place in Brooklyn) to the 77th Precinct stationhouse (127 Utica Avenue in Brooklyn) is ¾ of a mile and a roughly two minute drive.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian Criminal Conviction History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Civilians CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and the first CCRB complaint in which § 87(2)(b) has been involved [enclosed 2A-2B].

Subject Officers CCRB Histories

- Officer Darryl Chen has been a member of the NYPD for 20 years and there is one substantiated CCRB allegation against him [enclosed 1A-1B].
 - In CCRB case number 200913866, the CCRB substantiated a retaliatory summons allegation. In February 2011, the NYPD issued Instructions.
- Officer Jason Brunson has been a member of the NYPD for six years and there is one substantiated CCRB allegation against him [enclosed 1C-1D].
 - In CCRB case number 200914197, the CCRB substantiated a frisk allegation. In March 2011, the NYPD issued Instructions.
- Officer William Camacho has been a member of the NYPD for nine years and Sergeant Robert Maloney has been a member of the NYPD for 11 years. There are no substantiated CCRB allegations against either of these two officers [enclosed 1E-1G].

Conclusion

Identification of Subject Officers

- § 87(2)(b) alleged that the officer fitting Officer Chen's physical description punched him twice on his face. In addition, the video footage confirms that Officer Chen placed § 87(2)(b) in a maneuver consistent with a chokehold. § 87(2)(g)
- The video footage confirms that Officer Camacho pointed his gun at the crowd and pushed § 87(2)(b) § 87(2)(g)
- Officer Brunson admitted to searching § 87(2)(b) § 87(2)(g)
- § 87(2)(b) alleged that, while in the back of the patrol car en route to the 77th Precinct stationhouse, an officer – designated as PO1 in § 87(2)(b)'s CCRB testimony – whom § 87(2)(b) could only describe as a 40-year-old white man, sat next to him and placed him in a chokehold, restricting his breathing for the entirety of the car ride. The only officer who admitted to sitting next to § 87(2)(b) in the back of the patrol car was Officer Chen. However, Officer Chen is a § 87(2)(b)-old black man with black hair. § 87(2)(b) Moreover, § 87(2)(b) could not describe any of the other officers in the patrol car at the time, with the exception of Officer Brunson. However, Officer Brunson did not believe that he was involved in § 87(2)(b)'s transport and there is no documentary evidence placing him in the patrol car at the time. § 87(2)(g)
- § 87(2)(b) stated that, once in the 77th Precinct stationhouse, he was escorted to a back room to be strip searched. He stated that two officers accompanied him – designated as PO2 and PO3 in § 87(2)(b)'s CCRB testimony. § 87(2)(b) could only describe PO2 as a uniformed white man and PO3 as a 6'3" tall white man in plainclothes. § 87(2)(b)

alleged that, prior to being strip searched, PO2 punched him twice on his ribs. Sergeant Maloney, who admitted to being one of the two officers present for the strip search, is a white man who is 5'7" tall and was dressed in plainclothes at the time of the incident. However, he does not fit the physical description of PO2 or PO3 provided by § 87(2)(b). Sergeant Maloney acknowledged that another officer was present for the strip search, but did not recall who, stating that it could have been any male officer in the precinct stationhouse at the time. § 87(2)(g)

- Sergeant Maloney acknowledged authorizing the strip search of § 87(2)(b) inside the 77th Precinct stationhouse. § 87(2)(g)

Allegations Not Pleaded

- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)

- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Investigative Findings and Recommendations

Allegation A—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer Darryl Chen used physical force against § 87(2)(b)

§ 87(2)(b) alleged the following sequence of events: While on the ground, Officer Chen punched him on his nose. In response, § 87(2)(b) bit Officer Ferreira's forearm. Officer Chen then punched § 87(2)(b) on his nose for a second time.

Officer Chen denied punching § 87(2)(b) and Officer Ferreira stated that he did not witness the alleged force.

The video footage shows both the moments before and after § 87(2)(b) bites Officer Ferreira's wrist in the midst of his apprehension. During this time, Officer Chen has his radio in one hand and is using his other hand to pin one of § 87(2)(b)'s arms down. At no point does Officer Chen make contact with § 87(2)(b)'s face, let alone punch him on his nose. Moreover, according to his arrest photograph, § 87(2)(b) had no visible injuries on his nose, § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

Allegation B—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer Darryl Chen used a chokehold against § 87(2)(b)

Two specific points on the video footage capture Officer Chen making physical contact with § 87(2)(b)'s throat.

Towards the beginning of the recording, Officer Chen, while trying to apprehend § 87(2)(b), uses the space between his right thumb and index finger to cup § 87(2)(b)'s chin in an effort to keep § 87(2)(b) pinned to the ground.

At the 00:10 minute mark on the recording, Officer Chen slides the space between his right thumb and index finger down to § 87(2)(b)'s throat, clearly applying pressure. § 87(2)(b) is unable to fully open his mouth and/or speak.

After about five seconds, Officer Chen releases the grip, at which point § 87(2)(b) immediately begins to scream.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Later on in the recording, at about the 00:48 minute mark, § 87(2)(b) is lying on his stomach and Officer Chen is straddling his upper back. Officer Chen subsequently wraps his left forearm and then the crux of his left elbow around § 87(2)(b)'s throat, pulling him up slightly off the ground so that Officer Ferreira can handcuff him. While doing so, Officer Chen connects his right forearm with his left wrist to fully maintain the grip around § 87(2)(b)'s throat. § 87(2)(b)'s facial expressions and remarks (if any were made) are not decipherable. Officer Chen releases the maneuver about 20 seconds later.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

An officer is prohibited from using a chokehold under any circumstances. A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. NYPD Patrol Guide Procedure 203-11 [enclosed BA-BB].

§ 87(2)(g)

§ 87(2)(g)

Allegation C—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer William Camacho pointed his gun at individuals.

§ 87(2)(b) alleged that, during his apprehension, Officer Camacho removed his gun and ordered the surrounding crowd to back up.

The video footage confirms that Officer Camacho appeared on the scene, removed his gun, pointed it at the crowd, ordered its members to “back the fuck up,” and then immediately holstered his gun.

At the time, additional units had yet to arrive, and Officer Chen and Officer Ferreira were struggling to gain control of § 87(2)(b) on the ground. They were surrounded by a large crowd, which was just feet away from them, and the members of the crowd were continuously yelling at them. One member, § 87(2)(b) had already approached the officers, made physical contact with Officer Chen during the struggle, and defied verbal commands to back away.

Officer Camacho, for his part, had just returned from a tumultuous pursuit of § 87(2)(b) during which § 87(2)(b) had discarded a firearm, which Officer Camacho was told had been retrieved by an unidentified individual who had retreated into the crowd.

An officer is permitted broad discretion to point his gun at individuals if the officer has a reasonable fear for his safety and the safety of others. Police Department v. Gliner, OATH Index No. 955/00 (Sept. 6, 2000) [enclosed CA-CT].

§ 87(2)(g)

§ 87(2)(g)

Allegation D—Force: In front of 1174 Saint Johns Place in Brooklyn, Officer William Camacho used physical force against § 87(2)(b)

It is undisputed that, as Officer Chen and Officer Ferreira struggled to apprehend § 87(2)(b) Officer Camacho used both hands to push § 87(2)(b) about four feet to the ground, making contact with her upper torso. Following the push, § 87(2)(b) immediately stood back up.

As discussed in Allegation C, § 87(2)(b) was part of the large, hostile crowd that had surrounded the officers. Of all the crowd members, § 87(2)(b) was the closest to Officer Chen and Officer Ferreira, and she remained in that position for an extended period of time. § 87(2)(b) repeatedly yelled at the officers, and grabbed Officer Chen by his wrist and shoulder, all while Officer Chen was struggling to restrain § 87(2)(b) on the ground and handcuff him. In addition, she disobeyed commands issued by Officer Chen to stay back. It is at this point that Officer Camacho appeared and pushed § 87(2)(b) to the ground.

An officer is required to use the minimum force necessary when at the scene of a police incident. NYPD Patrol Guide Procedure 203-11.

§ 87(2)(g)

§ 87(2)(g)

Allegation E—Abuse of Authority: In front of 1174 Saint Johns Place in Brooklyn, Officer Jason Brunson searched § 87(2)(b)

At the time of his apprehension, § 87(2)(b) had a non-collapsible, palm-sized gun and three grams of marijuana packaged in a Ziploc bag inside his jock strap. After being handcuffed, § 87(2)(b) was frisked by Officer Brunson, specifically on his crotch-area (see the 01:48 minute mark on the recording). § 87(2)(g)

After the frisk, § 87(2)(b) still handcuffed, repeatedly bent forward before he was removed to the nearby patrol car by Officer Brunson and an unidentified officer.

§ 87(2)(g)

§ 87(2)(g)

Once Officer Brunson and the unidentified officer gained control of § 87(2)(b) Officer Brunson accessed § 87(2)(b)'s pants and jock strap, first removing the gun, then the narcotics that were immediately beneath it.

A frisk/field search performed on an arrestee at an arrest location is designed to ensure the personal safety of an officer and to facilitate the recovery of weapons, evidence, or contraband. If during this procedure, an unusual object is detected, an officer is permitted to reach into or under the arrestee's clothing to remove said object. NYPD Patrol Guide Procedure 208-05 [enclosed DA-DC]. In determining the validity of a search, it must be considered whether or not the intrusion was justified at its inception, and whether or not it was reasonably related in scope to the circumstances that rendered its initiation permissible. People v. Cantor, 36 N.Y.2d 106 (1975) [enclosed EA-EF].

§ 87(2)(g)

§ 87(2)(g)

Allegation F—Force: En route to the 77th Precinct stationhouse, an officer used a chokehold against § 87(2)(b)

§ 87(2)(b) alleged that an officer, referred to as PO1 in his CCRB testimony and in the Officer Identification Section of this report, placed him in a chokehold and restricted his breathing throughout the entire duration of his car ride to the 77th Precinct stationhouse. The only identified officer involved in the transportation of § 87(2)(b) to the 77th Precinct stationhouse was Officer Chen, who denied making or witnessing any other officer make physical contact with § 87(2)(b) during the car ride.

According to the 77th Precinct Command Log, § 87(2)(b) arrived at the 77th Precinct stationhouse at 7:49 p.m. The MapQuest website indicates that the distance between the incident location and the 77th Precinct stationhouse is about ¾ mile and a two minute drive. However, given the size of the crowd surrounding the incident location, the number of officers on the scene, and § 87(2)(b)'s established resistance, the car ride likely took longer than the two minutes estimated by the MapQuest website.

§ 87(2)(g)

§ 87(2)(g)

Allegation G—Force: Inside the 77th Precinct stationhouse, an officer used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation H—Abuse of Authority: Inside the 77th Precinct stationhouse, Sergeant Robert Maloney authorized the strip search of § 87(2)(b)

Sergeant Maloney acknowledged authorizing the strip search of § 87(2)(b)

Prior to the strip search, a palm-sized, non-collapsible firearm and narcotics had been recovered from § 87(2)(b) s person, specifically from his jock strap.

In order to strip search an arrestee, an officer must reasonably suspect that the arrestee is concealing weapons, contraband, or evidence that cannot be discovered via alternative search methods. NYPD Patrol Guide Procedure 208-05.

§ 87(2)(g)

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date